

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**CHRISTOPHER DON PENNINGTON
ADC #149290**

PLAINTIFF

v.

No. 1:19-cv-49-DPM

**WENDY KELLEY, Director, Arkansas
Department of Correction Central Office;
LOMAN JOHNSON, Captain, Food Prep
Supervisor, ADC Grimes Unit; and
LARRY BAILEY, Maintenance
Coordinator, Grimes Unit**

DEFENDANTS

ORDER

On *de novo* review, the Court partly adopts and partly declines the recommendation, *No. 7*, and partly sustains Pennington's objections, *No. 8*. FED. R. CIV. P. 72(b)(3). Pennington's claims against Kelley are dismissed without prejudice.

In his objections, Pennington alleges that Johnson and Bailey knew about the faulty power cord and didn't do anything about it. *No. 8 at 2-3*. But these facts aren't in Pennington's amended complaint. *No. 6*. The Court directs the Clerk to send Pennington another blank § 1983 complaint form. Pennington may file a second amended complaint fleshing out what Johnson and Bailey allegedly knew and when. He must file the amendment by 30 August 2019. The Court

returns this case to the Magistrate Judge to screen the proposed amendment.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

9 August 2019